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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/647,410	08/25/2003	Michael D. Kotzin	CS23254RA	2657
20280 7590 05/02/2007 MOTOROLA INC 600 NORTH US HIGHWAY 45 ROOM AS437 LIBERTYVILLE, IL 60048-5343			EXAMINER DOAN, PHUOC HUU	
			ART UNIT 2617	PAPER NUMBER
			MAIL DATE 05/02/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/647,410

Applicant(s)

KOTZIN ET AL.

Examiner

PHUOC H. DOAN

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 14 March 2007.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-5 and 7-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 7-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_

DETAILED ACTION

*Response to Arguments*

1. Applicant's arguments with respect to claims 1-5, and 7-20 have been considered but are moot in view of the new ground(s) of rejection.

*Claim Rejections - 35 USC § 112*

2. Claim 19 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 19 claimed “negotiating with the radio communications network without making a handover decision for the mobile wireless communication device” is not clearly the meaning based on the radio communication network and mobile device by **without making a handover decision**.

Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims rejected under 35 U.S.C. 102(e) as being anticipated by **Farley (US Patent No: 7,187,666)**.

As to **claim 1, 15**, Farley discloses a method in a mobile communications device (see Abstract), the method comprising: participating in a packet session (col. 3, lines 45-55); identifying a handover target in the mobile communications device (col. 2, lines 40-65); sending handover information for the handover target to a packet server while in the packet session (col. 4, lines 30-65); receiving radio resource information for the handover target from the packet server in response to sending the handover information to the packet server (col. 3, lines 10-56, col. 5, lines 5-32).

As to **claim 2**, Farley further discloses handing over to the handover target using the radio resource information received from the packet server (col. 4, lines 1-22).

**As to claim 3**, Farley further discloses handing over to the handover target without requiring the mobile communications device to request a radio resource assignment from the handover target (col. 4, lines 27-62).

**As to claim 4, 14**, Farley further discloses receiving radio resource information from the packet server in response to sending handover information to the packet server includes receiving at least one of frequency, slot, time to transfer and power information from the packet server (Fig. 3 with description, col. 5-6, lines 45-10 “including TCP stream timer 33, and window size reduces the throughput”).

**As to claim 5**, Farley discloses making neighbor measurement during the packet session (col. 2, lines 60-67); sending the handover information to the packet server includes sending information based on the neighbor measurements (col. 2 through col. 3, lines 65-25).

**As to claim 7**, Farley further discloses participating in the packet session includes communicating voice data in the packet session (col. 3, lines 25-50); sending the handover information to the packet server while communicating voice data in the packet session (col. 3, lines 25-50).

**As to claim 8**, Farley further discloses identifying a plurality of potential handover targets to the packet server (col. 2, lines 45-55); receiving radio resource

information from the packet server for at least one of the handover targets identified (col. 4, lines 40-67).

**As to claim 9**, Farley further discloses reducing interruption of the packet session during handover by using the radio resource information received from the packet server to facilitate handover to a new cell (col. 4, lines 5-22).

**As to claim 10**, Farley discloses a method in a packet server connected to a communication network (Fig 3 with description, items 13, and 17A,B), the method comprising: receiving information from a mobile wireless communications device identifying a handover target (col. 2, lines 40-65); negotiating with a radio communications network for a radio resource transfer for the handover target identified by the mobile wireless communication device (col. 5 through col. 6, lines 5-35). Sending from the packet server (col. 5, lines 12-14), radio resource information for the handover target identified to the mobile wireless communication device (col. 3, lines 10-56, col. 5, lines 5-32).

**As to claim 11**, Farley further discloses sending the radio resource information to the mobile wireless communications device after negotiating in response to receiving the handover information (col. 4, lines 23-65).

**As to claim 12**, Farley further discloses negotiating with the radio communications network for a radio resource transfer for the mobile wireless

communications device based on the handover information received from the mobile wireless communication device (col. 3 through col. 4, lines 65-22).

**As to claim 13**, Farley further discloses receiving handover information from the mobile wireless communications device includes receiving a plurality of handover targets identified by the mobile wireless communication device (col. 2 through col. 3, lines 54-9); sending radio resource information to the mobile wireless communications device for at least one of the handover targets identified by the mobile wireless communication device (col. 4, lines 22-60).

**As to claim 16**, Farley further discloses participating in voice communication in the packet session (col. 3, lines 25-50).

**As to claim 17**, Farley further discloses receiving radio resource information from the packet server includes receiving handover timing information (col. 5 through col. 6, lines 57-10), reducing interruption of data communication during the packet session during handover by making a timed transfer to the target cell using the handover timing information from the packet server (col. 5 through 6, lines 33-29).

**As to claim 18**, Farley further discloses making a handover decision in the mobile communication device (col. 5, lines 45-55 “handoff from base station to

base station is applied to a detector which applied to the optimizer in the following an acknowledgment signal for completed in making a handoff”).

As to claim 19, Farley discloses a method in a wireless communications network entity (Fig. 3 with description), the method comprising: receiving handover information from a mobile wireless communication device identifying a potential handover target (col. 2, lines 40-65); communicating handover information to the potential handover target before the mobile wireless communications device handover to the potential handover target (col. 5 through col. 6, lines 5-14); sending from the wireless communications network entity, radio resource information for the potential handover target to the mobile wireless communications device before the wireless communication device hands over to the potential handover target (See Fig. 2, 3 with description, col. 4 through col. 5, lines 23-4).

### *Conclusion*

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Choi (US Pub No: 2003/0053430) discloses “**Method for performing a fast inter-PDSN hard handoff**”.



6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to PHUOC H. DOAN whose telephone number is 571-272-7920. The examiner can normally be reached on 9:30 AM - 6:30 PM.

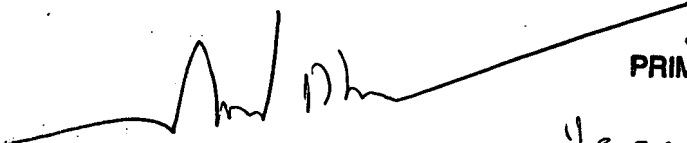
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, JOSEPH FEILD can be reached on 571-272-4090. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Phuoc Doan  
04/24/07

 **JEAN GELIN**  
**PRIMARY EXAMINER**  
